

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MINERVA INDUSTRIES, INC.,

Plaintiff,

v.

MOTOROLA, INC., et al.

Defendants.

AND RELATED COUNTERCLAIMS.

Civil Action No: 2-08-cv-021

**The Honorable Charles Everingham, IV
United States Magistrate Judge**

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff Minerva Industries, Inc. requests that the Court voluntarily dismiss, without prejudice, Plaintiff's claims against Defendant High Tech Computer Corp.

Respectfully submitted,

Dated: October 23, 2008

By: /s/ Marc A. Fenster

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Attorneys for Plaintiff Minerva Industries, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 23, 2008. Any other counsel of record will be served via First Class U.S. Mail on this same date.

/s/ Marc A. Fenster